

SENATE BILL 1699
By Beavers

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 35, Part 1, relative to private protective services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 35, Part 1, is amended by adding a new section thereto, as follows:

Section 62-35-142.

(a) Notwithstanding any law to the contrary, all applicants for a registration card as an unarmed or armed security guard/officer shall be required to complete and pass a drug and alcohol test before conditional or regular registration as an unarmed or armed security guard/officer shall be issued by the department. Such testing shall be on file with the department before the department issues a registration card to the applicant. Such test shall be completed within forty-five (45) days of the date of application for registration.

(b) As a condition of renewal of registration pursuant to this chapter, a security guard/officer shall provide to the department a passed drug and alcohol test that was taken less than forty-five (45) days prior to the application for a renewed license.

(c) A drug and alcohol test required by this section shall be given and reviewed by a laboratory licensed with the state and certified by the College of American Pathologist Forensic Drug Testing program or the United States department of health and human services substance abuse and mental health services administration as published in the federal register. Each drug and alcohol test shall consist of the following:

(1) Urine amphetamines class including amphetamine, methamphetamine, Ecstasy, Eve, Adam and other related stimulants and hallucinogens. Screening test threshold at 300 ng/mL and gas chromatography/mass spectrometry (GC/MS) confirmation test threshold set at 100 ng/mL;

(2) Urine cocaine metabolite (Benzoylecgonine) with a screening test threshold of 100 ng/mL and a gas chromatography/mass spectrometry (GC/MS) confirmation test threshold set at 50 ng/mL;

(3) Urine marijuana metabolites with a screening test threshold of 20 ng/mL and a gas chromatography/mass spectrometry (GC/MS) confirmation test threshold set at 5.0 ng/mL (for the primary urine metabolite from marijuana use identified as 11-nor-9-carboxy-delta-9-tetrahydrocannabinol);

(4) Urine opiates including morphine, codeine, hydrocodone, hydromorphone and oxycodone and other related narcotics. Screening test threshold is 100 ng/mL and a gas chromatography/mass spectrometry (GC/MS) confirmation test threshold set at 50 ng/mL; and

(5) Breath and/or blood ethyl alcohol with a screening and confirmation test threshold of 0.04% (40 mg/dL).

(d) Within twenty-four (24) hours, information that an applicant or security guard/officer failed the testing pursuant to this section shall be forwarded to the

department, the company employing the security guard/officer, and to the applicant or security guard/officer. The department shall not issue a registration card to an applicant failing a drug and alcohol test pursuant to this section. The department shall suspend the registration of an unarmed or armed security guard/officer until such time that the commissioner determines that such registration should be revoked or reinstated.

(e) An unarmed or armed security guard/officer may, pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, request that a contested case hearing be held regarding the suspension, revocation, or failure to renew a registration card pursuant to this section.

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it.